



# The Commonwealth of Massachusetts

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### Fact Sheet

Patrick/Murray Administration Proposed Legislation

### ***"An Act To Prevent Crime and Reduce Recidivism by Increasing Supervision and Training Opportunities for Inmates"***

5/7/2009

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#### **Need for Reform- Post Release Supervision**

- The current system in Massachusetts results in nearly 1,000 ex-offenders (965 in 2008) leaving state correctional institutions unsupervised. This is a result of sentencing restrictions which do not allow for parole eligibility, institutional behavior that precludes parole, as well as individuals choosing to waive their parole.
- Individuals returning to our communities with no post-release supervision face daunting challenges and studies have validated that they have a higher likelihood at recidivating. As a result, this failure means:
  - more crime,
  - more victims, and
  - increased costs to the correctional system.
- Annually, on average, over 500 state inmates choose to waive their right to parole. In effect, these individuals were able to dictate the terms of how they returned to the community, specifically:
  - without a comprehensive case plan,
  - without accountability, and
  - without supervision.

#### **Proposed Legislation**

- Inmates who serve a state prison sentence and are scheduled to be released to the street will be under mandatory supervision by the Parole Board for a period equal to 25% of their sentence, but no shorter than 9 months and no longer than 5 years.

#### **Benefits of Legislation**

- In Massachusetts, parole supervision is an effective tool for reducing recidivism. As demonstrated in comparing the most recent Bureau of Justice Statistics

Bulletin, *Probation and Parole in the United States* with Massachusetts Parole Board data, parole success in Massachusetts exceeds national averages:

- The national average parole completion rate was 44%.
- In Massachusetts in 2008 the successful completion rate was 78%.
- A research brief conducted by the Parole Board demonstrated that individuals who were returned to the community in 2006 after being released from state and county correctional institutions without parole supervision were twice as likely to be re-incarcerated than those who had completed their term of parole supervision that same year. Specifically, the study revealed that:
  - 35% (3,320) of individuals without parole supervision were re-incarcerated (within the following 18-month period for a period of 60-days or more).
  - 17% (739) of individuals who successfully completed parole supervision were re-incarcerated (within the following 18-month period for a period of 60-days or more).
- Mandatory post-release supervision will reduce crime by increasing the likelihood that more individuals will successfully transition back into our communities.
- It will also reduce costs to taxpayers in the long term by reducing recidivism- the annual average cost in Massachusetts to supervise a person is \$2,500, while the annual average cost to incarcerate a person is \$43,000.

#### **Need for Sentencing Reform- Mandatory Minimum Drug Sentences**

- Current law restricts inmates from *participation in work release* while still under their mandatory term, which for many is their whole incarceration term.
- *Mandatory minimum drug sentences contribute to increasing prison populations* (overcrowding) due to increases in court commitments and longer time served. Current DOC facilities are designed to hold 7,743 inmates. Current number of DOC commitments is 11,349, 146% of capacity.
- Current projections indicate an increase in the population of 10-14% over the next two years.
- Current law eliminates *parole eligibility* for a portion of the population-- inmates with minimum and maximum terms having only a day or so difference, in essence, have lost their opportunity to be paroled (and potentially the incentive to be involved in programs and demonstrate positive prison behavior).
- It is essential to offer the most appropriate targeted services and training opportunities to inmates, based on data-driven risk assessments, while they are still incarcerated, to prevent recidivism.
- The Controlled Substance Law, chapter 94C, currently prevents even non-violent inmates serving mandatory minimum terms for drug offenses, whose custodians

would otherwise find them eligible, from participating in work release and other programs.

- Access to these programs is necessary to create opportunities for these individuals and to break the cycle of crime.
- In addition, while mandatory minimum sentences are intended to, and in most cases do, guarantee uniform, certain, and transparent punishment for serious crimes, the mandatory minimum sentences in chapter 94C sometimes result in non-violent offenders serving lengthy sentences in prison with no possibility of parole, at great cost to the taxpayers of the Commonwealth, that are disproportionate to the risk that these individuals pose to the community.

### **Proposed Legislation**

- Provides that defendants sentenced to mandatory minimum sentences for drug crimes will be eligible for parole after serving two-thirds of the *maximum* sentence. For example, a defendant serving a sentence of three years to three years and a day will be eligible for parole after serving two years of his sentence, but a defendant serving a term of 10 to 15 years will be parole eligible after 10 years.
- Drug offenders serving minimum mandatory sentences will be permitted to participate in work release and community corrections programs.

### **Benefits of Legislation**

- Enhance reentry efforts.
- Reduce recidivism and crime.
- Ensure more successful outcomes for released offenders.
- Reduce/ limit escalation in costs associated with increasing rates of incarceration.